

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 8, 2005 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone No.05038

**PROPOSAL:** From AGR to R-1

**LOCATION:** Northwest of the intersection of S. 70<sup>th</sup> St. and Pine Lake Rd.

**LAND AREA:** 4.2 acres, more or less

**CONCLUSION:** This change of zone request is in conformance with the 2025 Comprehensive Plan.

<b>RECOMMENDATION:</b>
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Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1, Country Place 22<sup>nd</sup> Addition, located in the SE 1/4 of Section 16, Township 9 North, Range 7 East, Lancaster County, NE

**EXISTING ZONING:** AGR Agricultural Residential

**EXISTING LAND USE:** Church

### **SURROUNDING LAND USE AND ZONING:**

North:	AGR Agricultural Residential	Single family dwellings
South:	AGR Agricultural Residential	Single family dwellings
East:	AGR Agricultural Residential	Single family dwellings
	B-2 Neighborhood Business	Willowbrook Shopping Center
West:	R-1 Residential	Single family dwellings

### **HISTORY:**

September 8, 2003      Final plat #03014, Hannan Addition, located west of this application was approved by City Council with the condition that access to Lot 2 Hannan Addition be consolidated with the existing church drive.

September 8, 2003	Change of Zone #3385 from AGR to R-1, located northeast of the intersection of S. 66 <sup>th</sup> St. and Pine Lake Rd., was approved by City Council.
January 15, 1992	Country Place 22 <sup>nd</sup> Addition final plat was approved by the Planning Director.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F-17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City. (F-18)

The Lincoln/Lancaster County Land Use Plan shows this area as urban residential. (F-25)

**UTILITIES:** There is a 24" water main and a 15" sanitary sewer main on Pine Lake Rd. The 24" water main cannot be tapped to provide service to any future lots. A tappable size water main will need to be provided fronting any new lots.

**TRAFFIC ANALYSIS:** Pine Lake Rd. is classified as a minor arterial. The Comprehensive Plan states, "This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes." (F-103)

Pine Lake Rd. is shown as a committed project for 4-lanes + turn lanes in the 2025 Comprehensive Plan. As a minor arterial, driveway access onto Pine Lake Rd. is restricted.

### **ANALYSIS:**

1. This request is for a change of zone from AGR-Agricultural Residential to R-1 Residential. The property immediately to the west was granted a change of zone from AGR to R-1 in September 2003.

2. The applicant's letter states that the purpose of the change of zone is to facilitate the subdivision of the property into two lots. If the change of zone is approved, a final plat shall be submitted.
3. The Public Works & Utilities Department requires that a single access to Pine Lake Rd. be designed to provide access to both lots as a requirement of the subdivision.
4. Resolution A-82315 approved Hannan Addition final plat with the condition that access for Lot 2 Hannan Addition be consolidated with the existing access to Lot 1, Country Place 22<sup>nd</sup> Addition to the east of Lot 2, Hannan Addition.
5. The Public Works & Utilities Department report states that the water main in Pine Lake Rd. cannot be tapped.
6. Country Place 22<sup>nd</sup> Addition final plat limited access to Pine Lake Rd to the west 150 feet of Lot 1. Any future final plat would require an access easement from the existing drive to any new lot. Public Works & Utilities Department and Planning Department will not support a second driveway onto Pine Lake Rd.

Prepared by:

Tom Cajka  
Planner

**DATE:** May 23, 2005

**APPLICANT:** Pine Lake Heights Congregation of Jehovah's Witnesses, Inc.  
6800 Pine Lake Rd.  
Lincoln, NE 68516  
(402) 420-2144

**OWNER:** same as applicant

**CONTACT:** Charles D. Humble, Attorney  
301 S. 13<sup>th</sup> St. Suite 400  
Lincoln, NE 68508  
(402) 476-1000



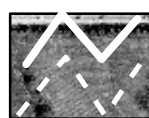
2002 aerial

## Change of Zone #05038 S. 68th & Pine Lake Rd.

### Zoning:

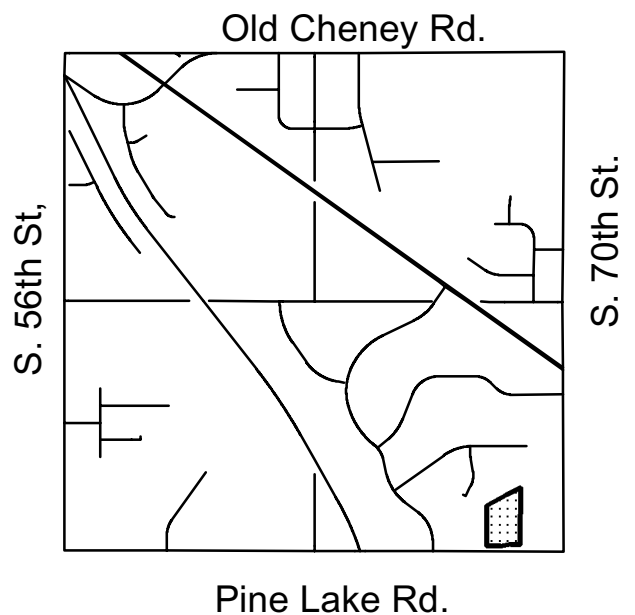
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 16 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



# Official Survey Record

LANCASTER County, Nebraska

Phone (402) 434-2686  
Fax (402) 434-2687

ALLIED SURVEYING AND MAPPING, INC.

6120 South 58th Street - Suite "A" - Lincoln, Nebraska 68516

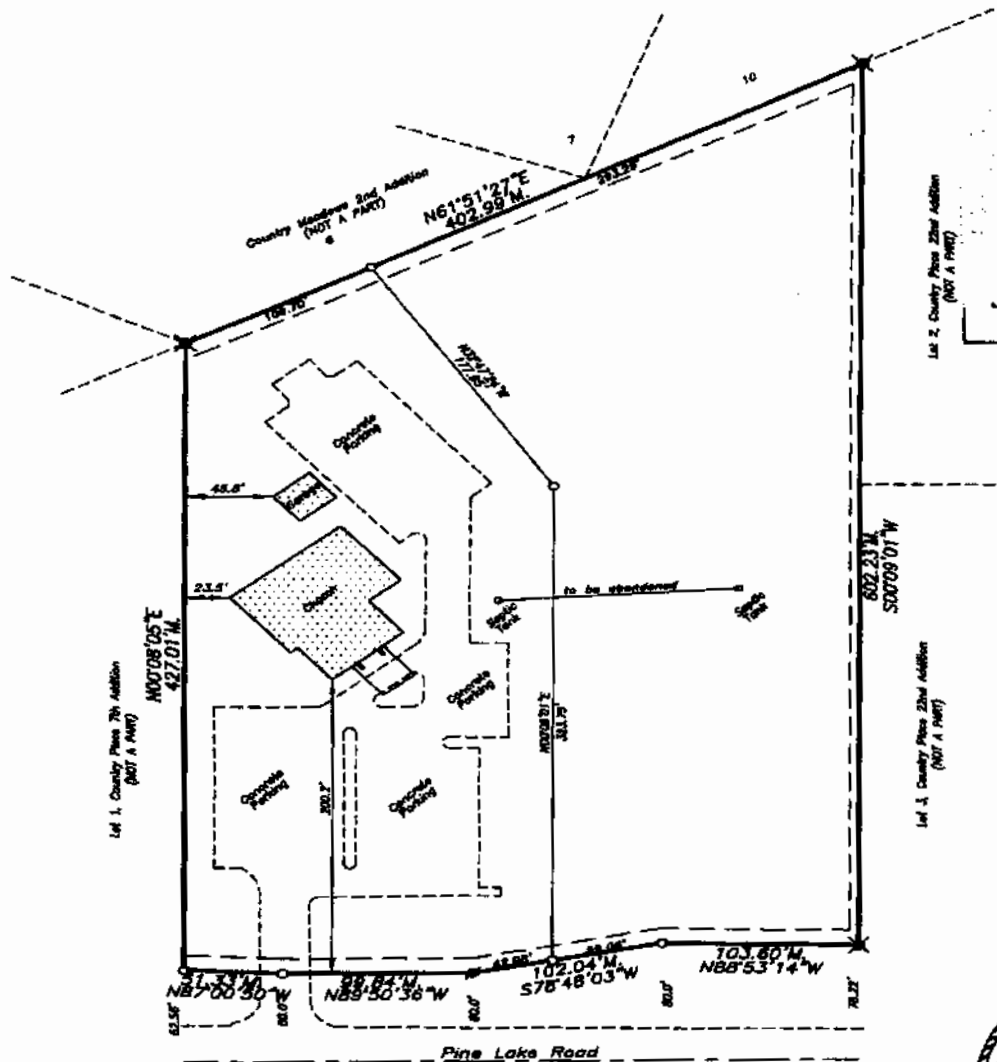
Survey of 6800 Pine Lake Road - Lot 1, Country Place 22nd Addition

Section 16 T. 9 N., R. 7 East of the 6th P.M.

Job No. 33557

Sheet 1 of 1

November, 2004



RECEIVED

MAY - 5 2005

CITY OF LANCASTER  
PLANNING DEPARTMENT

Scale: 1"=100'

✱ = Found 3/4" Smooth Pin

■ = Found 5/8" Rebar

○ = Set 1"x24" Iron Pipe With L.S.#343 Cap

M. = Measured Distance  
P. = Plotted Distance



○ = Set 1"x24" Capped Pipe

● = Monuments Found as shown

## SURVEYORS CERTIFICATE

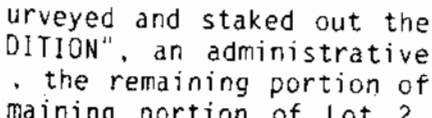
I hereby certify that I have accurately surveyed the property in the above plat. Iron Pipe were set at points marked ○. All dimensions are in feet and decimals of a foot.

Signed this 14th day of March, 2005

NAME Dennis D. Simonds  
DENNIS D. SIMONDS

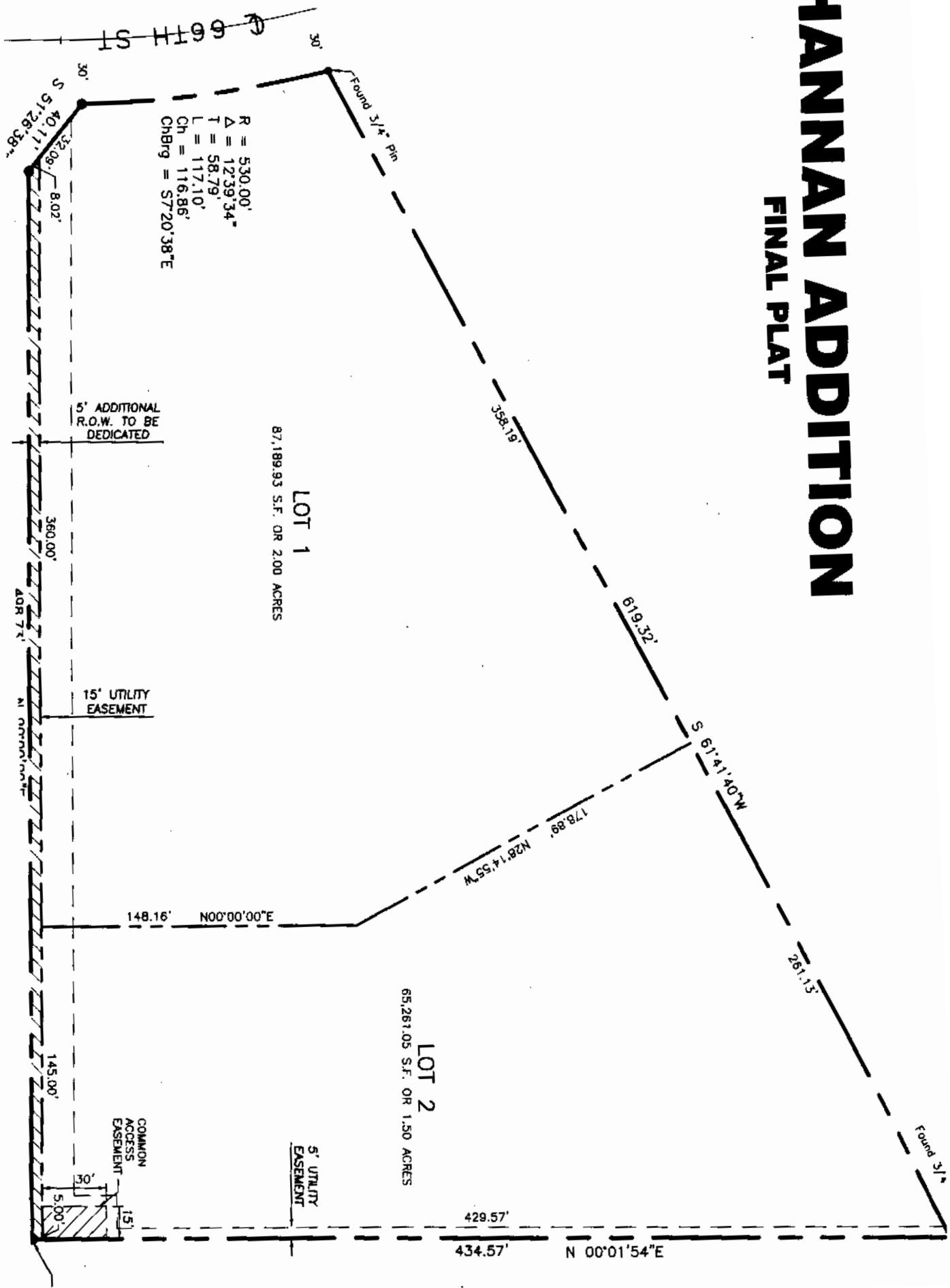
Surveyor's License # 343  
Nebraska L.S. (SEAL)

COUNTRY MEADOWS 2nd Addition 7



# HANNAN ADDITION

## FINAL PLAT





FP. 03014



43

03R-230

Introduce: 8-18-03

RESOLUTION NO. A- 82315

1 WHEREAS, Vic and Kathleen Hannan (Owners) have submitted the  
2 administrative final plat of Hannan Addition consisting of two residential lots for  
3 acceptance and approval; and

4 WHEREAS, said administrative final plat presently cannot be approved as  
5 access to Pine Lake Road was relinquished with the approval of Country Place Addition  
6 and Owners now request that said relinquishment be released to allow access to Pine  
7 Lake Road from Lot 2 of the final plat of Hannan Addition; and

8 WHEREAS, the Lincoln City - Lancaster County Planning Commission  
9 has reviewed said request and recommends that access to Pine Lake Road be allowed  
10 for Lot 2 provided that such access is restricted to a single access for one single-family  
11 dwelling and that a common access easement be established with the church to the  
12 east at the time of widening of Pine Lake Road.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
14 Lincoln, Nebraska:

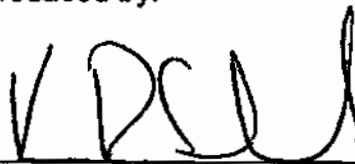
15 That the relinquishment of access to Pine Lake Road is hereby released  
16 to allow access to Lot 2, Hannan Addition, provided that Owners provide the necessary  
17 subdivision agreement with the City of Lincoln whereby Owners agree (1) that such  
18 the existing access to Lot 1, Country Place 22nd Addition to the east  
access shall be restricted to a single access for one single-family dwelling; (2) that such  
of Lot 2, Hannan Addition; and (2) agree that access provided to Lot 2,  
Hannan Addition be restricted to an access for one single-family  
dwelling.

AMENDED 9/8/03



1 ~~access may be consolidated with the access for the church east of Lot 2, Hannan-~~  
2 ~~Addition at the time of widening of Pine Lake Road, and (3) that Owners agree to grant~~  
3 ~~the church any necessary common access easement to consolidate the two access~~  
4 ~~drives into a single access.~~

Introduced by:



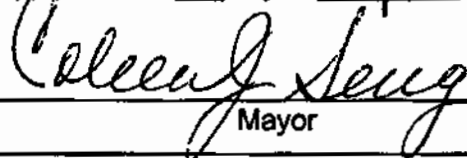
Approved as to Form & Legality:

AYES: Camp, Cook, Friendt,  
McRoy, Newman, Svoboda,  
Werner; NAYS: None.

  
City Attorney

AMENDED 9/8/03

Approved this 11 day of Sept, 2003:

  
Mayor

**03R-230**

**8/25/03 Council Proceedings:**

**COOK** Moved to delay action of Bill No. 03R-230 to 9/8/03.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

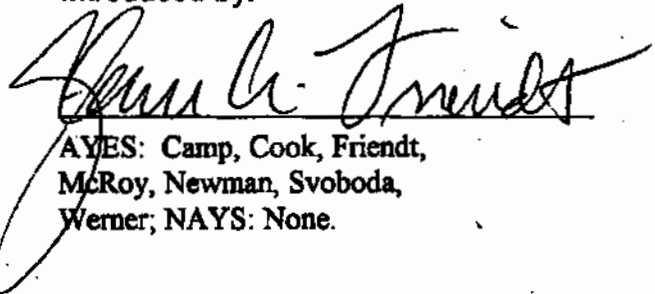
MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 03R-230 in the following manner:

1. Beginning on page 1, line 16, after the word "Owners" delete the remainder of that paragraph through page 2, line 3, and insert in lieu thereof the following language:

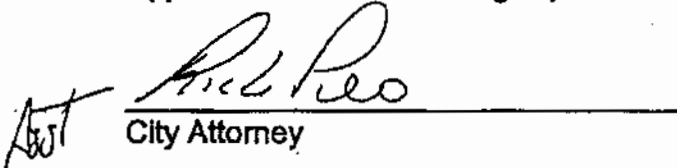
(1) provide the necessary easement and consolidate the  
access to Lot 2, Hannan Addition with the existing access to  
Lot 1, Country Place 22nd Addition to the east of Lot 2,  
Hannan Addition; and (2) agree that access provided to Lot 2,  
Hannan Addition be restricted to an access for one single-  
family dwelling.

Introduced by:



AYES: Camp, Cook, Friendt,  
McRoy, Newman, Svoboda,  
Werner; NAYS: None.

Approved as to Form & Legality:

  
City Attorney

Requested by: Roger Figard

Reason for Request: To modify the provisions for conditional access to Lot 2, Hannan Addition.

**ADOPTED**

SEP 08 2003

BY CITY COUNCIL

# **M e m o r a n d u m**

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**To:** Tom Cajka, Planning Department  
**From:** Dennis Bartels, Engineering Services  
**Subject:** Pine Lake Heights Congregation of Latter Day Saints  
**Date:** May 11, 2005  
**cc:** Randy Hoskins  
Roger Figard  
Kris Humphrey

Engineering Services has reviewed the proposed change of zone for the Pine Lake Heights Congregation of Latter Day Saints located at 6800 Pine Lake Road and has the following comments:

1. Engineering Services has no objection to changing the zone from AGR to R1 but has reservations and concerns about the potential subdivision depicted in the application.
2. The subdivision as shown would require provision of access to the second lot to the east. Pine Lake Road is an arterial street proposed to be widened to a 4-lane median divided street. the goal of Engineering Services would be to eliminate or minimize driveways and access points to Pine Lake Road. The 2 acre parcel proposed to be created has potential to be resubdivided into smaller units. As a minimum, we would require that a single access to Pine Lake be designed to provide access to both lots as a requirement of such a subdivision. This would likely require moving the existing church drive and redesigning the church parking. With proposed subdivision of the lot to the west, we raised similar issues and the subdividers were apparently unable to negotiate a shared access to the church at the existing drive location.
3. A tappable size water main will need to be provided fronting any new lots as a condition of the subdivision and at the cost of the subdivider.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

<b>TO:</b> Tom Cajka	<b>DATE:</b> May 16, 2005
<b>DEPARTMENT:</b> Planning	<b>FROM:</b> Chris Schroeder
<b>ATTENTION:</b>	<b>DEPARTMENT:</b> Health
<b>CARBONS TO:</b> EH File EH Administration	<b>SUBJECT:</b> Pine Lake Heights Congregation of Latter Day Saints CZ #05038

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and does not object to the approval of this application.

CHARLES THONE  
DONALD H. ERICKSON  
WM. E. MORROW, JR.  
SAM JENSEN  
DANIEL B. KINNAMON  
THOMAS J. GUILFOYLE  
VIRGIL K. JOHNSON  
CHARLES V. SEDERSTROM  
CHARLES D. HUMBLE  
ALAN M. WOOD  
WILLIAM F. AUSTIN  
JOHN C. BROWNRIGG  
THOMAS J. CULHANE  
RICHARD J. GILLOON  
SAMUEL E. CLARK  
GARY L. HOFFMAN  
MARK M. SCHORR  
JERALD L. RAUTERKUS  
WILLIAM T. FOLEY  
PATRICK R. GUINAN

LAW OFFICES  
**ERICKSON & SEDERSTROM, P.C.**  
A LIMITED LIABILITY ORGANIZATION

SUITE 400  
301 SOUTH 13<sup>TH</sup> STREET  
LINCOLN, NEBRASKA 68508-2571  
TELEPHONE (402) 476-1000  
FACSIMILE (402) 476-6167

WRITER'S INTERNET ADDRESS

[humble@eslaw.com](mailto:humble@eslaw.com)

May 4, 2005

JULIE A. JORGENSEN  
JOHN B. MORROW  
MICHELLE B. MILLER  
TIERNAN T. SIEMS  
JASON R. YUNG TUM  
PAUL D. HEIDMANN  
MATTHEW V. RUSCH  
KRISTINE J. GATES  
ANGELA PROBASCO  
TRENT J. MARTINET  
NICOLE M. LUCIUS  
JOVAN W. LAUSTERER

OF COUNSEL

DAVID J. NIELSEN  
DONALD B. STENBERG

OMAHA OFFICE  
10330 REGENCY PARKWAY  
DRIVE, SUITE 100  
OMAHA, NEBRASKA 68114  
(402) 397-2200

Thomas Cajka, Planner  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Re: PURPOSE STATEMENT/CHANGE OF ZONE, 6800 PINE LAKE ROAD  
Our File No.: 24003.47610

Dear Mr. Cajka:

We represent Pine Lake Heights Congregation of Jehovah's Witnesses, Inc., applicant for a Change of Zone from AGR to R-1 at 6800 Pine Lake Road.

The purpose of the Application is to accommodate a plat which will have the effect of dividing the present approximately 4.2 acres into two lots. Since the LMC requires that lot sizes be a minimum of three acres in the AGR zoning district, it becomes imperative to request the Change of Zone. R-1 was selected because a parcel located immediately west of this Application has been previously zoned as R-1.

If the zoning is changed, a plat will be submitted to divide the single 4.2 acre parcel into two lots. The Church will remain on the westernmost lot. Since it is now apparent to the Congregation that the easternmost part of the parcel is surplus to the Church's future needs, it will be sold by the Congregation for a compatible use. If you have any questions, please don't hesitate to contact me.

Very truly yours,



Charles D. Humble

CDH:rjj  
Enclosures

MAY - 5 2005

LINCOLN CITY/LANCASTER  
PLANNING DEPARTMENT